

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

CRAIG CUNNINGHAM,)	
)	
Plaintiff,)	Case No. 3:16-cv-00761
)	
v.)	Honorable Judge James D. Peterson
)	
MICHAEL MONTES, <i>et al.</i> ,)	Hon. Magistrate Judge Stephen L. Crocker
)	
Defendants.)	

**DECLARATION OF PLAINTIFF CRAIG CUNNINGHAM
IN SUPPORT OF PLAINTIFF'S RESPONSE IN OPPOSITION
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

1. I am over the age of 18 years old and I am the Plaintiff in this case.
2. Copies of the calls records I produced in discovery in this case were filed by Defendants as Dkt. No. 130-4, p. 22-38.
3. A copy of a printout of the Google Drive page on which the call recordings I produced in discovery were shared with Defendants was filed by Defendants as Dkt. No. 130-4, p. 39-40.
4. Those call records and recordings include unsolicited telemarketing calls I received from the following individuals and businesses whom Defendant Michael Montes ("Montes") identified in his deposition were customers for whom Defendants provided the platform to facilitate their robo-call telemarketing sales campaigns: Jerry Maurer, Brian Kaplan, 8 Figure Dream Lifestyle, and Elite Marketing Alliance.
5. Those call records and recordings also include unsolicited telemarketing calls I received from the following businesses, who are listed on Defendants' autodialer123.com sign-up page under the drop-down menu titled "Type of Business": Elite Profit System, Enagic, Tidom, and Secret Success Machine a/k/a SSM.

6. I also received unsolicited telemarketing calls from four individuals who specifically told me they obtained my telephone number through Montes: Terryle Butts, Bill White, Rich Holman, and Marc Wilson.

7. I received the unsolicited telemarketing calls from Jerry Maurer, Brian Kaplan, 8 Figure Dream Lifestyle, Elite Marketing Alliance, Elite Profit System, Enagic, Tidom, Secret Success Machine a/k/a SSM, Terryle Butts, Bill White, Rich Holman, and Marc Wilson during the time frame alleged in my First Amended Complaint, 2015-2018.

8. I am unable to respond as completely as possible to Defendants' arguments that I cannot trace the calls he received to the Defendants' systems without the benefit of the documents and records requested in the subpoena I served on Montes in this case. Montes' refusal to produce those documents and records is preventing me from presenting facts essential to justify my opposition to Defendants' Motion for Summary Judgment.

9. I do not maintain my cellular telephone numbers for the purpose of pursuing Telephone Consumer Protection Act ("TCPA") lawsuits.

10. I did not invite telemarketing calls from any of the individuals or companies listed above, nor from any other telemarketers.

11. I do not hope for telemarketers to call me so that I can file lawsuits against them.

12. I do, however, believe it is important to stand up for my rights and hold individuals and companies who violate the TCPA to their obligations under the law.

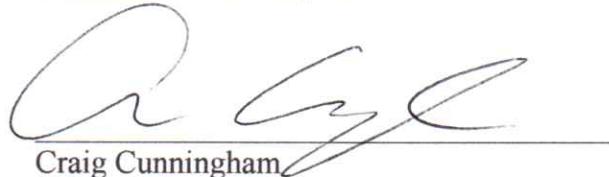
13. I found the unsolicited telemarketing calls that are at issue in this case to be an invasion of my privacy, a waste of my time, an interruption and distraction of the regular business of my day, and a frustrating annoyance.

14. I kept track of the calls at issue in this case and filed this lawsuit to hold

Defendants accountable under the law, and to stand up for myself when my privacy has been invaded in such an annoying manner.

15. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 15, 2019.



A handwritten signature in black ink, appearing to read "Craig Cunningham". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Craig Cunningham